

REMARKS

The office action of May 27, 2004, has been carefully considered.

It is noted that claims 1-5 and 7-15 are rejected under 35 U.S.C. 103(a) over the patent to Rao et al.

Claims 1-19 are rejected under 35 U.S.C. 103(a) over the patent to Riley et al. in view of Rao et al.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Rao et al., it can be seen that this patent discloses a modular vial autosampler. Applicant submits that the Examiner has not shown where Rao et al. teach a number of the features recited in the claimed invention. For example, where do Rao et al. teach a drive mechanism arranged inside the base housing and operable to move the sample tray so that the samples seated in the holding accommodations are advanced in a stepwise motion along a

prescribed track, as in the presently claimed invention. Also, where do Rao et al. teach at least one analytical instrument module installed on the base housing along the prescribed track. Still further, where do Rao et al. teach an at least two-part non-destructively releasable connector arrangement consisting of first connector elements arranged at multiple locations on the base housing and at least one second connector element arranged on the analytical instrument module? Applicant requests that the Examiner point out specifically where all the features recited in the claims are taught or suggested in the Rao et al. patent, rather than make general rejections without citing specific support. As the Examiner readily admits, Rao et al. do not teach a turntable, but then states that such a turntable would be obvious, without showing where Rao et al. suggest such a construction or explaining why one skilled in the art would be motivated to make such a change in the Rao et al. device.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 and 7-15 under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

The patent to Riley et al. discloses an apparatus for

automatic chemical analysis. Riley et al. do not teach the connector arrangement recited in claim 1 which allows a single instrument module to be selectively mounted to the base housing at any one of a number of locations. Riley et al. do teach that a plurality of instrument modules can be mounted on a housing, however they must be arranged side by side. The reference also teaches that the modules should be packed tightly together so that the dimensions of the overall apparatus, whose dimensions are determined by the dimensions of the module, as small as possible. The arrangement of the modules is specifically side by side and there is no discussion of a connecting arrangement for mounting individual modules, as in the presently claimed invention.

The Examiner combined Rao et al. with Riley et al. in determining that claims 1-19 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a laboratory analyzer system as in the presently claimed invention.

The presently claimed invention begins from a sample carrier of a laboratory analyzer system in which the samples or their carriers are transported to one or more analysis modules, whereby the size of the apparatus is essentially determined by the

transport system. The introduction of additional analysis modules only requires minimal additional space but adds significant benefits to the operation, as described in the specification of the present application. In the present invention each instrument module has a multi-part non-destructively releasable connector arrangement that allows the modules to be mounted at a number of different possible positions. Such a flexible connecting arrangement is not taught, suggested or in any way discussed by a combination of Riley et al. and Rao et al.

In view of these considerations it is respectfully submitted that the rejection of claims 1-19 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

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Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,


By 

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 24, 2004.

By: 

Friedrich Kueffner

Date: August 24, 2004